



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

JN

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/760,706	12/05/96	NAKAMICHI	N M1653-109

BANNER & WITCOFF LTD  
1001 G STREET NW  
ELEVENTH FL  
WASHINGTON DC 20001

LM01/0105

EXAMINER

CAO, A

ART UNIT	PAPER NUMBER
2754	22

DATE MAILED: 01/05/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

## Office Action Summary

Application No. 08/760,706	Applicant(s) Nakamichi et al
Examiner Allen Cao	Group Art Unit 2754

Responsive to communication(s) filed on Jul 16, 1998.

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

### Disposition of Claims

Claim(s) 2, 3, 5-7, 10-26, 28-43, and 45-154 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 2, 3, 5-7, 10-26, 28-43, and 45-154 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2754

1. The reissue oath or declaration filed with this application is defective because it fails to particularly specify the errors relied upon, as required under 37 C.F.R. § 1.175(a)(5).

Every departure from the original patent represents an "error" in said original patent under 35 U.S.C. 251 and must be particularly and distinctly specified and supported in the reissue oath or declaration under 37 CAR 1.175.

Applicant newly presented claims (10-119 in the amendment filed June 5, 1997 and newly added claims 45-154 in the amendment "D" filed July 16, 1998) are replete with changes which are not particularly and distinctly specified and supported in the reissue oath or declaration.

For example:

- a) New added claim 10, lines 10-11 and 14-18, "... parallel to a primary plane along a first straight line path ...", "... partly outside ...", "... plane to bring said selected one of said ..., despite a displacement of said one of said magazine and said transport plane';
- b) New claims 10-119 (claims 27 and 44 has been cancelled by the amendment "D" filed July 16, 1998) and newly added claims 45-154;
- c) Claim 43 do not include "disk conveying means" or "disk reading position";
- d) A clause reciting "means for moving said disk from said first position to said disk reader" has not been added to claim 32; etc...

2. All pending claims are rejected as being based upon a defective reissue Declaration under 35 U.S.C. § 251. See 37 C.F.R. § 1.175.

Art Unit: 2754

3. Applicant is notified that any subsequent amendment to the specification and/or claims must comply with 37 C.F.R. § 1.121 (e); (e.g. claims 28-43 and 45-119 in the amendment filed June 5, 1997 and newly added claims 45-154 in the amendment "D" filed July 16, 1998).

4. This reissue application was filed without the required offer to surrender the original patent or, if the original is lost or inaccessible, an affidavit or declaration to that effect. The original patent, or an affidavit or declaration as to loss or inaccessibility of the original patent, must be received before this reissue application can be allowed. See 37 CFR 1.178.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Serial Number: 08/760,706

Page 4

Art Unit: 2754

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen Cao whose telephone number is (703) 305-3796.



Allen Cao  
ALLEN T. CAO  
PRIMARY EXAMINER

AC

January 4, 1999